

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jul 01, 2022

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID ELMO CURRY,

Defendant.

No. 1:21-CR-02053-SAB-1

**ORDER CONTINUING
PRETRIAL CONFERENCE,
TRIAL, AND EXTENDING
DEADLINES**

Before the Court is Defendant's Motion to Continue Trial, ECF No. 34, and associated Motion to Expedite, ECF No. 36. The motion was considered without oral argument. The Government is represented by Michael Murphy. Defendant is represented by Craig Webster.

Defendant requests that the Court continue the pretrial conference and trial in this case because his counsel is working on finding an expert to assist in his case. Defendant indicates that the Government does not object to the continuance request. Defendant has submitted a signed Speedy Trial waiver. ECF No. 35. The Court finds good cause to grant the motion.

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**ORDER CONTINUING PRETRIAL CONFERENCE, TRIAL, AND
EXTENDING DEADLINES # 1**

1 Accordingly, **IT IS HEREBY ORDERED:**

2 1. Defendant's Motion to Continue Trial, ECF No. 34, is **GRANTED**.

3 2. Defendant's Motion to Expedite, ECF No. 36, is **GRANTED**.

4 3. The current trial date of August 1, 2022, is **STRICKEN** and **RESET**
5 to **October 31, 2022**, at **9:00 a.m.**, commencing with a **final** pretrial conference at
6 **8:30 a.m.** The trial shall take place in **Yakima**, Washington.

7 4. The pretrial conference set for July 6, 2022, is **STRICKEN** and
8 **RESET** to **October 19, 2022**, at **10:00 a.m.** in **Yakima**, Washington. Counsel
9 shall advise the Court regarding any dispositive change in the status of this case at
10 **least five (5) days prior to the pretrial conference**. Any motion to continue the
11 pretrial conference or trial shall be filed at the earliest practicable opportunity, but
12 no later than **seven (7) days prior to said proceeding**. Movant shall provide (1)
13 specific and detailed reasons for the continuance to permit the Court to make the
14 necessary findings; (2) if applicable, the Defendant's signed Speedy Trial Waiver;
15 (3) the position of opposing counsel; and (4) the proposed new date. Continuances
16 are not granted absent good cause.

17 5. All pretrial motions, including motions *in limine* and *Daubert*
18 motions, shall be filed and served on or before **September 28, 2022**, and noted for
19 hearing at the pretrial conference.

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**ORDER CONTINUING PRETRIAL CONFERENCE, TRIAL, AND
EXTENDING DEADLINES # 2**

1 6. Trial briefs, proposed voir dire, jury instructions, verdict forms,
2 exhibit lists, expert witness lists, and summaries of expert testimony shall be filed
3 and served by all parties on or before **seven (7) calendar days prior to trial**. This
4 does not modify the parties' discovery obligations under Fed. R. Crim. P. 16.
5 Absent an agreement between the parties or an Order from the Court, the parties'
6 Fed. R. Crim. P. 16 discovery deadlines shall be governed by Local Criminal Rule
7 16.

8 7. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the time between August 1,
9 2022, the current trial date, until October 31, 2022, the new trial date, is
10 **DECLARED EXCLUDABLE** for purposes of computing time under the Speedy
11 Trial Act. The Court finds that the ends of justice served by such a continuance
12 outweigh the public's and Defendant's interest in a speedy trial.

13 **IT IS SO ORDERED.** The District Court Clerk is hereby directed to enter
14 this Order and provide copies to counsel.

15 **DATED** this 1st day of July 2022.



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A handwritten signature in blue ink, reading "Stanley A. Bastian", is written over a horizontal line.

Stanley A. Bastian
Chief United States District Judge